

Remarks

The forgoing amendment has been made after a careful review of the present application, the references of record, and the Office Action dated July 12, 2005. In the Office Action, the examiner objected to the disclosures as not showing various radii marked are R1...R4 as recited in most of the claims. Claim 5 was rejected as being a duplicate of claim 3 and claims 9 – 14 were rejected under 35 USC 112 as being indefinite because of the term “rearward.” Claims 1, 2, 5, 6, 7, 9, 10, 12, and 13 were rejected under 35 USC 102 (e) as being anticipated by Bruce, and claims 12, 13 and 14 were rejected under 35 USC 102 (b) as being anticipated by Eckhoff.

In the forgoing amendment, the applicant has made major amendments to the independent claims numbered 1, 6, 9 and 12 so as to remove all uses of the letter “R” with respect to radii, thereby overcoming the examiner’s objection to the disclosure as failing to mark such radii. Claim 5, which a duplicate of claim 3, has been canceled thereby eliminating the objection to the duplication. To overcome the objection to describe the lug nuts in terms of having forward and rearward ends, the applicant has amended the independent claims to describe the lug nuts as having a first end directed toward the wheel while the lug nut is threaded on the stud and described that first end as having a tapered surface (claims 1 and 6) or having first and second annular beads (claims 9 and 12). The first and second retainer members in claims 1 and 6 have been amended to clarify that they include planar portions having surfaces perpendicular to the axis

of the lugs. The retainer members are also further described as fitting against the tapered portion of the lug nuts between the corners (of the lug nuts) and an outer surface of the wheel.

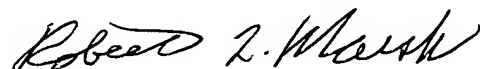
The applicant hereby traverses the rejection of amended claims 1, 2, 3, 6, 7, 9, 10 and 12 under 35 USC 102 (e) as being anticipated by Bruce. Bruce discloses a device for retaining a cover over the ends of a wheel. It includes a plurality of sleeves that fit around the lug nuts. The sleeves are formed by inner and outer generally tubular walls with the walls surrounding adjacent lug nuts linked together by reinforcing channels. Within each of the walls are a plurality of inwardly projecting prongs 46, 68 having hooks at the ends thereof that hook around an annular flange 26 on the lug nuts 18. As amended, the independent claims of the present application, numbered 1, 6, 9 and 12, all recite first and second generally planar members having surfaces perpendicular to the axis of the studs with arcuate indentations of the planar portions shaped to fit against the tapered portion of the lug nuts (claims 1 and 6) or in the groove between adjacent beads of the lug nut (claims 9 and 12). The various fingers 46, 68 of Bruce have planar portions, but the planar portions are oriented parallel to the axis of the lugs when the parts are assembled to the wheel rather than perpendicular as claimed. Also, the indentations of Bruce do not fit against the tapered portion of the lug nut or into a groove. If Bruce can be said to have indentations and planar portions, those indentations wrap around the outer perimeter of the flange 26 or the flange 72 of a lug nut. Accordingly, the

applicant submits that the claims as amended overcome the rejection based on Bruce and accordingly it should be withdrawn.

The applicant also traverses the rejection of amended claim 12 under 35 USC 103 (a) as being unpatentable over Eckoff. Eckoff discloses a retainer member formed from a sheet metal part with many of the portions of the part crimped or curved to form a plurality of arcuate panels 54 with a crimp 60 near the distal end of the panels that fit into the groove between adjacent beads of a lug nut. After the retainer member of Eckoff has been formed, certain portions remain planar including a central portion which, when assembled to a wheel, remains perpendicular to the axis of the studs. Those portions, however, are not the portions having the indentations that fit within the groove between adjacent beads of a lug nut. The structure set forth in amended claim 12 therefore clearly distinguishes from that depicted in Eckoff and the rejection of claim 12 based on this reference must also be withdrawn.

In view of the forgoing, the applicant believes that all of the claims, as amended above, overcome the references of record and overcome all technical objections the examiner has made. Accordingly, the applicant believes that the present application is now in condition for allowance, and favorable reconsideration and allowance is requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert L. Marsh".

Robert L. Marsh, Reg. No. 25894
Attorney for the Applicant
630-681-7500
630-681-3464